

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD LYNN,)
)
Plaintiff,)
)
v.)
)
DEREK OBERLANDER, et al.,)
)
Defendants.)
)

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING IN PART
AND DENYING IN PART MOTION FOR SUMMARY JUDGMENT, RECONSIDERING
A CERTAIN MOTION, DIRECTING THE APPOINTMENT OF COUNSEL FOR
PLAINTIFF IF PRACTICABLE AND PLACING THE ACTION ON THE TRIAL LIST**

This matter was referred to Magistrate Judge Kezia O.L. Taylor for pretrial proceedings and the making of reports and recommendations. The Defendants moved for summary judgment. Defendants Motion for Summary Judgment (ECF No. 85) was fully briefed.

Magistrate Judge Taylor issued a Report and Recommendation (“R&R”), recommending that Defendants’ Motion be granted in part and denied in part. (ECF No. 105). Specifically, Magistrate Judge Taylor recommended that Defendants’ Motion be “GRANTED as to all claims against Defendants Oberlander and Larsen, and the strip search claim against Defendant Yount, and DENIED as to 1) the failure to protect claim against Defendants Kiehl and Yount, and 2) the excessive force claim against Defendant Wright.” (ECF No. 105 at 1).

The R&R was docketed, and the Parties have been afforded the requisite time to file Objections to the R&R. The time for submitting Objections has expired, and no Objections were received. The Court has nonetheless carefully considered the papers of record and the R&R and,

upon such consideration, concludes that the disposition recommended is correct, and in accord with the record and the applicable law.

Accordingly, it is hereby ORDERED that:

- The R&R (ECF No. 105) is ADOPTED as the Opinion of the Court;
- Defendants' Motion for Summary Judgment (ECF No. 85) is GRANTED as to all claims against Defendants Oberlander and Larsen, and the strip search claim against Defendant Yount;
- Defendants' Motion for Summary Judgment (ECF No. 85) is DENIED as to all claims against Defendants Kiehl, Wright, and the failure to protect claim against Defendants Kiehl and Yount.

Further, in light of this disposition and in conformity with Magistrate Judge Taylor's Opinion at ECF No. 108, Plaintiff's Motion for Appointment of Counsel (ECF No. 107) is RECONSIDERED. The Court will endeavor to identify and appoint ADR/Trial Counsel for Plaintiff if practicable.

Finally, the Parties are ORDERED to notify the Clerk of this Court in writing within thirty (30) days of the date of this Order if they consent to trial before Magistrate Judge Taylor. If the Parties do not notify the Clerk of their consent by that date, this matter will be placed on the undersigned's trial list, and the undersigned will act on the assumption that the trial will proceed before him. The undersigned anticipates that trial will be conducted in the Weis Courthouse in Pittsburgh.

s/ Mark R. Hornak
 Mark R. Hornak
 Chief United States District Judge

Dated: February 20, 2025